

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

United States of America et al.,

Plaintiffs,

-against-

Live Nation Entertainment, Inc. and  
Ticketmaster L.L.C.,

Defendants.

24-CV-3973 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

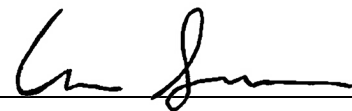
Plaintiffs moved to compel production of 18 documents that were responsive to Request for Production No. 2 but withheld as work product. Dkt. 351. These documents are communications between outside counsel for defendants and outside counsel for Oak View Group, LLC, outside counsel for Silver Lake Technology Management, LLC, and outside counsel for Irving Azoff. *Id.* Defendants responded, agreeing to produce the three communications between outside counsel for Live Nation and outside counsel for Azoff and providing the remaining documents to the Court for *in camera* review. Dkt. 356. Defendants argue that the remaining documents were created by outside counsel for the purpose of pursuing a shared legal strategy between Live Nation, Oak View Group, and Silver Lake and are protected as work product. *Id.*

The Court has conducted an *in camera* review of the documents and considered the parties' submissions. The motion to compel is DENIED because the documents were "made in the course of formulating a common legal strategy," and it appears that the "parties understood that the communication [was] in furtherance of the shared legal interest." *Fireman's Fund Ins. Co. v. Great Am. Ins. Co.*, 284 F.R.D. 132, 140 (S.D.N.Y. 2012) (citation omitted). While helpful for such an agreement between the parties to be in writing, a writing is not necessary to find "a common legal interest . . . 'embodying a cooperative and common enterprise towards an identical legal strategy.'" *Id.* at 139 (citation omitted). The Clerk of Court is respectfully directed to terminate the motion at Dkt. 351.

SO ORDERED.

Dated: December 4, 2024

New York, New York



ARUN SUBRAMANIAN  
United States District Judge